

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROGER W. HUDON,
Petitioner,
vs.
ISIDRO BACA, et al.,
Respondents.

Case No. 3:15-cv-00257-RCJ-WGC
ORDER

The court referred this action to the court of appeals to determine whether to allow petitioner to file a second or successive petition. ECF No. 4. The court of appeals denied authorization. ECF No. 8. Before the court now are petitioner's motion request to file and hear petition (ECF No. 8), respondents' opposition (ECF No. 13), and petitioner's reply (ECF No. 20).

The court's order referring the action to the court of appeals stated that petitioner is convicted of possession of a stolen vehicle. That is incorrect. Petitioner is convicted of second-degree murder. That error does not affect the basic problem with his current petition. Petitioner has pursued an earlier petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 that challenged the same judgment of conviction that he challenges in the current petition. Petitioner needed authorization from the court of appeals to pursue his current petition, and the court of appeals has denied authorization. See 28 U.S.C. § 2244(b)(3). That denial puts an end to the action.

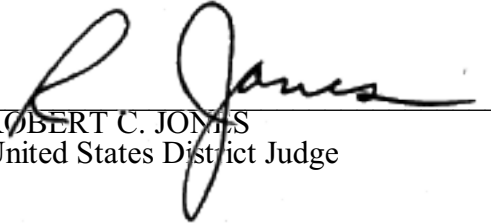
The court denies petitioner's other motions (ECF No. 9, 10, 11) because petitioner cannot proceed with this action.

To the extent a certificate of appealability is required, the court denies one.

1 IT IS THEREFORE ORDERED that petitioner's motion request to file and hear petition
2 (ECF No. 8), motion for the appointment of counsel (ECF No. 9), motion to extend prison copy
3 work limit (ECF No. 10), and application to proceed in forma pauperis (ECF No. 11) are **DENIED**.

4 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

5 Dated: June 7, 2016.

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8 ROBERT C. JONES
9 United States District Judge
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